

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:04-cr-00250-RJC

USA,)
) ORDER
vs.)
)
MONICA NICOLE FLOYD,)

THIS MATTER is before the Court upon motion of the defendant, pro se, requesting that the Court reduce her sentence for post-sentencing rehabilitation. (Doc. No. 760).

The defendant relies on Pepper v. United States, 131 S. Ct. 1229 (2011); however, that case involved re-sentencing after a defendant's sentence had been vacated on appeal. The Supreme Court held in that situation a judge may consider postsentencing rehabilitation in deciding whether to vary from the advisory guideline range. Id. at 1236. Here, the defendant never appealed her sentence; thus, even such positive circumstances as cited by the defendant are not grounds for a sentence reduction by this Court. 18 U.S.C. § 3582(c); Fed. R. Crim. P. 35.

IT IS, THEREFORE, ORDERED that the defendant's motion, (Doc. No. 760), is **DENIED**.

The Clerk is directed to certify copies of this order to the defendant, counsel for the defendant, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: November 15, 2016



Robert J. Conrad, Jr.
United States District Judge

